



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/828,267	04/06/2001	Kevin J. Negus	034421-098	6346
7590	08/13/2004		EXAMINER	
Robert E. Kerbs Thelen, Reid & Priest LLP P.O. Box 640640 San Jose, CA 95164-0640			WARE, CICELY Q	
			ART UNIT	PAPER NUMBER
			2634	
			DATE MAILED: 08/13/2004	

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)
	09/828,267	NEGUS, KEVIN J.
Examiner	Art Unit	
Cicely Ware	2634	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 06 April 2001.
 2a) This action is **FINAL**. 2b) This action is non-final.
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-10 is/are pending in the application.
 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
 5) Claim(s) 6-10 is/are allowed.
 6) Claim(s) 1 and 3-5 is/are rejected.
 7) Claim(s) 2 is/are objected to.
 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
 10) The drawing(s) filed on 06 April 2001 is/are: a) accepted or b) objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) Notice of References Cited (PTO-892)
 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
 Paper No(s)/Mail Date _____
- 4) Interview Summary (PTO-413)
 Paper No(s)/Mail Date. _____
 5) Notice of Informal Patent Application (PTO-152)
 6) Other: _____

DETAILED ACTION

Specification

1. The disclosure is objected to because of the following informalities:
 - a. Pg. 1, examiner suggests applicant delete all lines before title of the invention.
 - b. Pg. 2, line 9-10 examiner suggests applicant re-write these lines for clarification purposes.

Appropriate correction is required.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1 and 3-5 are rejected under 35 U.S.C. 102(e) as being anticipated by Pezzlo et al. (US Patent 6,049,561).

(1) With regard to claim 1, Pezzlo et al. discloses in (Fig. 3) a frequency-hopping wireless communication system, the frequency-hopping wireless communication system using at least two different bandwidth hops at frequency-hopping center frequencies, low bandwidth hops and high bandwidth hop, wherein more center frequencies are

available for use for the low bandwidth hops than by the high bandwidth hops (Fig. 8, abstract, col. 1, lines 28-29, col. 10, lines 63-67).

(2) With regard to claim 3, claim 3 inherits all the limitations of claim 1. Pezzlo et al. further discloses wherein a pseudo-random sequence generator is provided at a transmitter and a receiver (col. 1, lines 32-39).

(3) With regard to claim 4, claim 4 inherits all the limitations of claim 1. Pezzlo et al. further discloses wherein the same pseudo-random sequence generator is used for both high and low bandwidth signals (col. 4, lines 2-9).

(4) With regard to claim 5, claim 5 inherits all the limitations of claim 1. Pezzlo et al. further discloses wherein a certain pseudo-random sequence generation value corresponds to a different low bandwidth frequency center than high frequency bandwidth center (col. 4, lines 6-15).

Allowable Subject Matter

4. Claim 2 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

5. Claims 6-10 are allowed.

6. The following is a statement of reasons for the indication of allowable subject matter: The instant application discloses a frequency-hopping wireless communication system. Prior art references show similar methods fail to teach “**A frequency-hopping wireless communication system, the frequency-hopping wireless communication**

system using at least two different bandwidth signals at frequency-hopping center frequencies, low bandwidth hops and high bandwidth hops, wherein a high bandwidth hop defines a first bandwidth range and wherein there is only one possible high bandwidth center frequency within the first bandwidth range and multiple possible low bandwidth center frequencies within the first bandwidth range, the low frequency bandwidth hops at the multiple possible low bandwidth center frequencies not extending out of the first bandwidth range”, as in claim 6.

Conclusion

6. The prior art made record of and not relied upon is considered pertinent to applicant's disclosure:

a. Bishop et al. US Patent 4,638,493 discloses an adaptive interference rejection for improved frequency hop detection.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Cicely Ware whose telephone number is 703-305-8326. The examiner can normally be reached on Monday – Friday, 8-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Stephen Chin can be reached on 703-305-4714. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9314 for regular communications and 703-872-9314 for After Final communications.

Application/Control Number: 09/828,267
Art Unit: 2634

Page 5

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

Cicely Ware

cqw
August 5, 2004



STEPHEN CHIN
SUPERVISORY PATENT EXAMINEE
TECHNOLOGY CENTER 2000